

EXHIBIT 63



TRADEMARK OFFICE OF CHINA NATIONAL INTELLECTUAL PROPERTY ADMINISTRATION

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Decision on Review of Rejection of International Registration No. 1504317 Graphic Trademark

Source of Information: Trademark Review and Adjudication Board (TRAB)

Decision on Review of Rejection of International Registration No. 1504317 Graphic Trademark

Trademark Review Document [2020] No. 0000319035

Applicant: BLENDJET INC.

Authorized Agent: NTD Patent & Trade Mark Agency Ltd.

The Applicant was dissatisfied with the China National Intellectual Property Administration's (CNIPA) rejection of the territorial extension application for International Registration No. 1504317 (hereinafter referred to as the "Applied-for Trademark") and filed a request for review. The CNIPA accepted the case, and the review has now been concluded.

The main reasons for the Applicant's request for review: The Applied-for Trademark and the cited International Registration No. 1080438 trademark in the rejection decision (hereinafter referred to as the "Cited Trademark") are clearly distinguishable in overall appearance, visual effect, and other aspects, and will not cause the relevant public to be misled about the source of the goods, and thus do not constitute similar trademarks used on the same or similar goods. The Applied-for Trademark and the Cited Trademark can coexist in multiple countries, and the Applied-for Trademark should be approved for registration.

The Applicant submitted a declaration of protection and other evidence during the review procedure.

Upon review, it is held that the overall appearance and visual effect of the Applied-for Trademark are similar to those of the Cited Trademark, and the two are not easily distinguishable as a whole; the Applied-for Trademark and the Cited Trademark thus constitute similar trademarks. All the goods designated for review under the Applied-for Trademark fall under the same or similar category as those approved for use under the Cited Trademark. The coexistence of the Applied-for Trademark and the Cited Trademark on the above goods is likely to cause confusion or misidentification among the relevant public regarding the source of the goods, and therefore constitutes similar trademarks used on the same or similar goods as stipulated in Article 30 of the Trademark Law. The registration status in other countries is different from this case and cannot serve as a basis for the preliminary approval of the Applied-for Trademark. The evidence submitted by the Applicant is insufficient to prove that the Applied-for Trademark is distinguishable from the Cited Trademark.

In accordance with Article 30 and Article 34 of the Trademark Law of the People's Republic of China, our decision is as follows:

The application for territorial extension protection in China of the Applied-for Trademark designated for use on Class 7 goods under review is hereby rejected.

If the Applicant is dissatisfied with this decision, they may file a lawsuit with the Beijing Intellectual Property Court within thirty days from the date of receipt of this Decision. A copy of the complaint shall be forwarded or otherwise separately notified in writing to our Administration at the time of filing the complaint with the court or no later than fifteen days thereafter.

Panel Members: Wang Ruofan
Li Jing
Liu Rong
December 9, 2020



Contact Information



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TRANSLATION CERTIFICATION

Date: 2025/05/23

To whom it may concern:

This is to certify that the attached translation is an accurate representation of the documents received by this office. The translation was completed from:

- Chinese (PRC)

To:

- English (USA)

The documents are designated as:

- 'decision.pdf'

Tania Duvernay, Project Manager in this company, attests to the following:

"To the best of my knowledge, the aforementioned documents are a true, full and accurate translation of the specified documents."


Signature of **Tania Duvernay**, Project Manager

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关于国际注册第1504317号图形商标驳回复审决定书

信息来源: 商评委

关于国际注册第1504317号图形商标 驳回复审决定书

商评字[2020]第0000319035号

申请人: BLENDJET INC.

委托代理人: 永新专利商标代理有限公司

申请人对我局驳回其国际注册第1504317号图形商标(以下称申请商标)领土延伸保护申请不服,向我局申请复审。我局予以受理,现已审理终结。

申请人复审的主要理由:申请商标与驳回决定中引证的国际注册第1080438号商标(以下称引证商标)在整体外观、视觉效果等方面区别明显,不会使相关公众对商品的来源产生误认,未构成使用在同一种或类似商品上的近似商标。申请商标与引证商标在多个国家均可以共存,申请商标理应予以核准注册。

申请人在复审程序中提交了保护声明等证据。

经复审认为,申请商标与引证商标整体外观、视觉效果相近,整体不易区分,申请商标与引证商标已构成近似商标。申请商标指定使用的全部复审商品与引证商标核定使用的商品属于同一种或类似商品,申请商标与引证商标在上述商品上并存,易使相关公众对商品的来源产生混淆误认,已构成《商标法》第三十条所指使用在同一种或类似商品上的近似商标。其他国家的注册情况与本案不同,不能成为申请商标应予以初步审定的依据。申请人提交的证据尚不足以证明申请商标足以与引证商标相区分。

依照《中华人民共和国商标法》第三十条和第三十四条的规定,我局决定如下:

申请商标指定使用在第7类复审商品上在中国的领土延伸保护申请予以驳回。

申请人对本决定不服,可以自收到本决定书之日起三十日内向北京知识产权法院起诉,在向法院递交起诉状的同时或者至迟十五日内将该起诉状副本抄送或者另行书面告知我局。

合议组成员:王若凡

李晶

刘蓉

2020年12月09日



联系方式



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